

1 David C. Parisi (162248)
Suzanne Havens Beckman (188814)
2 PARISI & HAVENS LLP
212 Marine Street, Suite 100
3 Santa Monica, California 90405
(818) 990-1299 (telephone)
4 (818) 501-7852 (facsimile)
dcparsi@parisihavens.com
5 shavens@parisihavens.com

6 Ethan Preston (263295)
PRESTON LAW OFFICES
7 4054 McKinney Avenue, Suite 310
Dallas, Texas 75204
8 (972) 564-8340 (telephone)
(866) 509-1197 (facsimile)
9 ep@eplaw.us

10 *Attorneys for Plaintiff John Lofton, on his own*
behalf, and behalf of all others similarly situated

11
12 **IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 JOHN LOFTON, an individual, on his own
14 behalf and on behalf of all others similarly
situated,

15 Plaintiff,

16 v.

17 VERIZON WIRELESS (VAW) LLC, and
18 DOES 1-100, inclusive,

19 Defendants.

No. C 13-05665 YGR

The Honorable Jacqueline Scott Corley

**PLAINTIFF JOHN LOFTON'S MOTION
TO COMPEL**

Date: May 7, 2015

Time: 9:00 a.m.

Location: Courtroom F

Phillip Burton Federal Building
450 Golden Gate Avenue
San Francisco, California 94102

NOTICE OF MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE THAT on May 7, 2015, at 9:00 a.m. in Courtroom F, on the fifteenth floor of the Phillip Burton Federal Building and Courthouse, 450 Golden Gate Avenue, San Francisco, California 94102, before the Honorable Judge Jacqueline Scott Corley, Plaintiff John Lofton (“Plaintiff”) shall, and hereby does, move to compel complete responses for the discovery requests set forth in the attached Appendix from Defendant Verizon (VAW) Wireless, LLC (“Verizon”) under Rule 37 and the Court’s inherent authority.

The Court gave Verizon several months to work out an effective and efficient means to complete class discovery with Lofton voluntarily. Verizon rejected that opportunity, doubling down on its primary argument that it does not control and is not responsible for documents in its debt collectors’ possession. The Court has already rejected this position. (ECF No. 71.) This intransigence leaves no other option but to compel Verizon to comply with Lofton’s discovery.

This Motion is based upon this Notice, the accompanying Memorandum of Points and Authorities, the complete file and records in this action, any oral argument and other evidence presented at the hearing on this matter, evidence of which the Court may or must take judicial notice, and any other evidence that the Court may wish to consider.

NOTICE OF LODGING PROPOSED ORDER

Movant lodged with the Court the order below by emailing a Microsoft Word version of the order below to “JSCpo@cand.uscourts.gov.” *See* <http://www.cand.uscourts.gov/jsc>.

Dated: March 31, 2015

By: /s/Ethan Preston
Ethan Preston

David C. Parisi (162248)
Suzanne Havens Beckman (188814)
PARISI & HAVENS LLP
212 Marine Street, Suite 100
Santa Monica, California 90405
(818) 990-1299 (telephone)
(818) 501-7852 (facsimile)
dcparsi@parisihavens.com
shavens@parisihavens.com

Ethan Preston (263295)

1 PRESTON LAW OFFICES
2 4054 McKinney Avenue, Suite 310
3 Dallas, Texas 75204
4 (972) 564-8340 (telephone)
5 (866) 509-1197 (facsimile)
6 ep@eplaw.us

7 *Attorneys for Plaintiff John Lofton,*
8 *on his own behalf, and behalf of all*
9 *others similarly situated*
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28